Legal Education in France

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Without contempt for various institutions which give to their students a certain knowledge of law in specific fields, one may state that the main responsibility for legal education in France rests upon the Schools of Law and Economics (Facultés de Droit et des Sciences Economiques).

The mere fact that economics (and political sciences, as it will be shown) are taught in France in the same institutions as law reveals a fact of primary importance: The French Law Schools do not consider themselves as professional or technical schools, but as schools which should give to their students a broad based legal education. The Law Schools consider that they should prepare their students to become, according to their desires and the avenues open to them in life, practising lawyers or judges perhaps, but perhaps also diplomats or civil servants with some responsibilities, politicians or people engaged in business. Obviously, no one may receive such a liberal legal education that he would be able to carry on with success all these activities. But the Law Schools try by a combination of compulsory courses, to give to all their students such a general capability as will permit them to carry on important duties, whatever they are, and at least the beginning of a technical education in the activity in which they wish to engage.

It will be convenient, therefore, to study at some length the education given by the Law Schools and to add a few words on the specialized educations given by some other institutions.

1. The Schools of Law and Economics.

The Schools of Law and Economics are organized on a national basis.

Seventeen of them exist on the national territory. Seven function, under special status, in Africa, Asia and the Middle East.

They are composed of a number of professors, all civil servants. The Law Schools of Paris, which have more than 30,000 students, has about 100 professors (plus a great number of assistants at

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various levels). In the provinces, the Law School is likely to have around 2000 students and 25 professors (plus assistants).

The Dean is elected and may be re-elected by the professors. Presently, relatively young people are often chosen. In the provinces, a number of Deans have been elected around 40. The Dean of Paris, Georges Vedel, has been elected when he was 52 years old. The position is not mainly one of honour, as it used to be. The burdens and the moral responsibilities which it carries with it are now extremely heavy.

Each Law School is part of a University (University of Paris, often called La Sorbonne, University of Grenoble, University of Aix, etc.), the head of which is a Recteur appointed by the Government. However, professors and Law Schools enjoy a very large amount of freedom. The Universities, it is true, are highly centralized to the extent to which the programs are decided upon by the Ministry of Education (after consultation with the Law Schools). On the other hand, no Law School nor any professor has to receive orders from the Ministre or the Recteur. The academic and political freedom is complete. A professor of constitutional law or political science may openly express his opinions even when this leads him to criticize the Government or its policies. Any professor may do the same in newspapers when he considers it his duty as a citizen— the present writer has done it in a couple of occasions—and no Dean, Recteur or Ministre would dare to reproach him.

Besides the national Law Schools, five Law Schools function which are organized by the Catholic Church. In full objectivity—the writer would rather be prejudiced in favour of the Catholic Church, of which he is a member, than against it—, it must be said that they are of lesser importance. This is due to a certain extent to the fact that the number of their students is much smaller than the number of students of the official Law Schools (most catholic students prefer to attend the latter ones). This is due also to the fact that, even though they have the same program as the official Schools, the law does not authorize them to deliver degrees. Thus, the students of a Catholic School must go to the official Schools (where he receives, of course, fair treatment) for his examinations.

The students.

The traditional rule was that no one could enter the Law Schools for the purpose of receiving the LL.B. (licence en droit) if he had not previously obtained the B.A. (baccalaureat). The level of the
secondary schools which prepare the B.A., is fairly high. Even though one may get the B.A. when he is only 17 years old, the program of the secondary schools includes Latin and Greek (elective), physics and chemistry, history and geography, literature, philosophy, etc.

The rule is now less rigid than it used to be on two accounts.

First, students without B.A. may follow courses organized for them in the Law Schools on a different level. After two years of studies, they will receive, if they succeed in the examinations, the diploma called *la capacite en droit*. The diploma opens few doors. However, most of the students of *capacite* are already engaged in an activity. They work as clerks to *avoues* (roughly speaking: solicitors), or *notaires*, or in banks or insurance companies. The diploma will show to their employers their capacity and their will, and will deserve them promotions in the future.

Secondly, the studies for the LL.B. are now open to two categories of students which have not the B.A. For people who, by misfortune, would not have been able to continue their studies to obtain it and who would consider themselves too old to try to get it, but who nevertheless have the necessary intelligence and have acquired some culture, a special examination of entry to the Law Schools is provided, the program of which is close to the program of the B.A. Furthermore, when someone has obtained the *capacite en droit* with marks averaging 12/20 on the two years, he is entitled to register for the LL.B. As a matter of fact, in a school as broad as that of Paris, there are every year students which, for various family or personal reasons, had not been able to pursue their studies up to the B.A., but who obtain the *capacite* with great distinction and become bright students of licence.

For the student living in his family, the expenses incurred for the studies are small. The registration fees are negligible. The main expenses result from the purchases of books, even though such purchases may be extremely limited if the student follows the course. The expenses are higher for the student living outside his family. He may, if he is lucky, obtain a room at the University dormitory (*Cite Universitaire*). But such rooms are in inadequate number, and the student is more likely, due to the chronic lack of housing facilities in France, to pay high rent for a small room. On the other hand, he will not have to go to the normal restaurants. He will use, perhaps after having waited half an hour (at least in Paris) subsidised restaurants (*restaurants Universitaires*) where
he will get good and generous food for a cheap price. The student who, for financial reasons, would not be able to engage in the study of law or continue it may ask for a state-scholarship. Such scholarships are liberally granted.

**Program for the LL.B.**

A reform introduced in 1954 has extended the Law studies for the LL.B. from three to four years.

The coordination of the studies of law, economics, and political science, has given rise to some hesitations. The present organization results from decrees of 1962 and 1963.

Presently, two diplomas are delivered: *licence en droit* and *licence es sciences economiques*. However, during the first year, the studies are to a great extent the same: courses in jurisprudence, family law, constitutional law, general economics, history of public institutions and social events up to 1789, are compulsory for all. Only an introduction to political sociology and a course on international organizations will be reserved to the students of law, while the students of economics will have a course on the methods of statistics and on mathematics preparatory to economics. Furthermore, the choice made at the beginning of the studies is not a final one. Since a student may feel at the end of the first year that he has made a mistaken choice, he may still cross the borderline when he registers for the second year. But it is the last opportunity.

In the second year, students of law and economics are nearly entirely segregated. The students of law follow courses on contracts, torts, property, administrative law, penal law and criminal procedure, public finances, political institutions of Antiquity and economics. The students of economics have a different program which includes, nevertheless not only public finances, but contracts and torts. As it may have been noticed, there is no election of courses in these two first years: the program is entirely compulsory.

When the student enters the third year of studies, on the other hand, he has to make a choice between *licence en droit, certificat de (droit prive)* and *licence en droit, certificat de droit public*. "Private law" *droit prive* is the part which concerns mainly relationships between private persons (including corporations). "Public law" *droit public* concerns mainly the organization of the State and relationships between the State and the citizens. Half of the courses, it is true, are common to all law students during the third year: they relate to commercial law (including corporations), labour law,
(commercial and labour law are even common to the law students and to the students of economics), social security, civil rights and a course of legal history. Furthermore, the students are required to elect five courses among the following matters: international public law, administrative law, methods of the social sciences, property registration and contracts, civil procedure, criminology and penitentiary science, and history of the law of property. But their choice is not a purely free one: they must take either (a) property registration and contracts, and civil procedure, thus qualifying themselves for the certificat de droit privé, or (b) international public law and administrative law, thus qualifying themselves for the certificate de droit public.

The organization of the last year of studies is even more complex, due to the need of letting the students prepare themselves, if they wish so, to a specific activity. To help them, a number of specialized Institutes had been created in the Universities during the last decades, more or less under the patronage of the Law Schools. Such were, subject to some variances, Institutes of Comparative Law, Institute of Criminology, Preparation to the Bar, Institutes of Commercial Law or Law Applied to Business, Institute of Political Sciences, Institute of High International Studies, Institute of Demography, etc. It has been felt that the program of the Law Schools should take care of the legitimate desire of the students to receive instruction in disciplines represented by one of these institutes. The program, therefore, is made of two parts. The first part is a set of matters compulsory for the students. The second part is either the preparation to the diploma of a qualified institute, or five courses chosen in full freedom among the matters taught for the other certificate and in the third and fourth years of the licence es sciences économiques plus the matters of post-graduate studies (see infra) which have open to them. Of course, the students who choose the preparation of the diploma of a qualified Institute receives the LL.B. only after he gets this diploma.

1. For the certificat de droit privé: successions, gifts and wills, matrimonial relations, advanced commercial law, taxation, conflicts of law or either comparative law or history of successions, gifts wills and matrimonial relations. For the certificat de droit public: main public services and national corporations, history of political ideas, European organizations or either great contemporary political problems or law of the newly independent countries and law of international coöperation.
Methods of Teaching

The French method of teaching is the “academic one” also called the “lecture method”. By this method, the professor is expected to expose a chapter of the law during one hour three times a week and to disappear when the lecture is finished.

The students are expected to take notes and, in fact, do so in the provinces. In Paris, however, a private firm sells mimeographed reproductions of the course of the professors (subject to the agreement of the latter). Furthermore, good textbooks exist in all matters. In Paris, therefore, a strong proportion of the students (60% perhaps) do not consider it necessary either to attend the lectures or, if they attend them, to take notes. The Ministry of Education could hardly blame them: it has not provided the physical facilities to seat them. This year, 2,500 students will be packed in a new 1,700 seats auditorium but, even though the first year courses will be given twice (by two teams of professors), the Law School will still be flooded by its 7,000 first year students.

Nobody in France presently maintains that the lecture method, even under more propitious circumstances, is by itself sufficient for legal education. The reform of 1954 has made it mandatory for all students to attend seminar work (travaux pratiques obligatoires) one hour and a half a week in two matters of their choice. Little can be said of this seminar work, even though it is considered an important part of the legal education. It may consist in discussions of cases, clarifications of a difficult point of law, advices on the best manner to study or to conduct a legal research, control of the work of the students. They are conducted, in groups of around 40 to 50 students, by assistants and special assistants: “charges de travaux pratiques”, under the guidance of the law professor who has given the course. In the provinces, they seem to provide very satisfactory results. In Paris, the number of students obliges to recruit more than a thousand charges de travaux pratiques and, although many of them are judges, barristers or high civil servants, it cannot be stated that each of them has the pedagogic qualities which would be desirable. The oral or written participation of the student to the seminar work receives grading which is reported on a card.

Examinations.

At the end of each year of study, the student must succeed to an examination to be entitled to register for the following year. If he fails in June, he may try again in October. If he fails again and
does not give up, he will have to register for the same year of studies he had already attended until he reaches success. The percentage of successes goes from 25 per cent for the first year to 65 per cent for the last one (June and October sessions together). A candidate who has failed four times at the first year examination is considered non-equipped for law studies and cannot register again.

The examination is made of two series of tests.

The first one is a written one. The candidate must write two papers. The purpose of one is to measure the proficiency he has achieved in his seminar work. In one of the two matters he had taken for seminar work, he is asked to write a commentary of a case or an opinion, or to give his solution to a number of practical questions. The other paper gives him an opportunity to show his "academic" equipment. It will be a dissertation on a subject or a problem of law, in one of the matters he had not taken for seminar work. The candidates are all given three hours for each paper on a certain day. They know in advance neither the subjects nor even the matters. The valuation of the papers may take two weeks. In Paris, by reason of the number of students, it cannot be done by the professors, in certain matters at least. The professors will only control the grading given by the correctors-assistants, judges, etc. and try to bring them into line. The marks go from 0 to 20 for each paper. When the total made by a candidate is 20 (out of 40) or more, he is entitled to present himself to the oral examination. If however his total is 19, 18, or even 17, the jury may, considering his record at the seminar work, "lend" him some points and allow him to go to the oral examination, where he will succeed only if he regains the points "lent".

The oral part of the examination is made of successive questionings on all the matters which had not been the subject of the written part (and are in the program, either mandatory or elective of the candidate). It takes place in half a day for each candidate. When the marks obtained by the candidate on all the tests, written and oral, make an average of 10 out of 20, he is successful. However, when he is not far from the average, the jury will again consider his files and will give him the necessary "push" if he deserves it.

Even though no human enterprise is perfect and the organization of the examinations is no exception to the rule—mainly in Paris, due to the large number of students—the results are generally equitable and the impartiality of the juries cannot be questioned.

2. Emphasis by the Editor.
It would be easy to give the names of Prime Minister, or Presidents of Republics of friendly countries, or professors of Law, whose sons and daughters have failed to their examinations in the recent past. As far as the written part of the examination is concerned, impartiality is facilitated by the fact that the correctors do not know whose paper he is grading. However, the same impartiality is shown when the correctors meet, learn the names of the candidates, make the necessary additions and open deliberations on borderline cases.

**Post graduate studies**

When a student has obtained the LL.B., he may decide to continue his law studies on a more advanced level. Approximately 35% of them do so.

The first step for such a student is to obtain a diploma of advanced studies (*diplome d'etudes superieures*) in one of the following fields: history of law, private law, criminal studies, public law, political science, economics. Such a diploma may be obtained after a full year of study (from November to October). While the purpose of the LL.B. studies was to give to the students a general education and a general knowledge of the law simultaneously, the purpose of the post-graduate studies is mainly to equip them to conduct thorough researches and to organize their minds for scholarly writings. Attending lectures, therefore, becomes a matter of much less importance in their education at this stage than directed research and personal writing.

Within the frame of each of the six diplomas, the students have a great freedom in the choice of the matters in which they will engage. This is particularly true in the Law School of Paris, where it has been felt that research and pilot courses should be given even in matters of interest to a small number of students. For instance, the total number of courses of Law and economics devoted to Africa, the economic development and its legal aspects, the Common Market and some foreign countries is well above twenty.

The examinations are more elaborate than for the LL.B. They consist of one or two five-hours dissertations, sometimes a memoir, oral examinations, and appearance before a three members-jury for an oral exposition on a problem given one hour in advance and for discussion of it with the members.

When the student has obtained the diploma, he may engage in the preparation of a thesis on a given subject, with the agreement
and under the guidance of a professor. It may take one year of work to an average student to write a reasonably good thesis. Some thesis, however, require two or three years of hard work. When a thesis has been written and has obtained the approval of the professor under whose guidance it has been elaborated, it is submitted (soutenance de these) to a jury made of this professor and two colleagues. The candidate whose thesis is accepted by the jury becomes docteur en droit.

The level of the thesis is uneven. While many of them are hardly more than a restatement of the law on a given point, some are truly original contributions which bring to their authors the commendations of the jury. The best of them are published with the financial help of the State.

Professors

The status of the French professors of law is often the object of envy in the common-law world, even though French professors could well envy their colleagues of the great American Law Schools.

The selection of professors of law is made on the basis of a competitive examination called aggregation de droit. There are four aggregations: private law, public law, economics, history of the law. The competition is open to docteurs en droit with an additional diplôme d'études superieures. It is made once every other year on two of the four aggregations and lasts approximately three months. Traditionally, only the four or five better candidates were selected for each aggregation. Presently, due to the expansion of the law curriculum and the creation of Law Schools in Africa, fifteen to twenty candidates are chosen. The level of the examinations does not seem to have significantly decreased. The main difference with the usual situation is that good candidates have less chances to be rejected and that they succeed sometimes when they are as young as 25, 26 or 27, which was previously most exceptional.

The professors of law are the only ones in France to enjoy very early the prestige, reward and freedom of a "professeur de l'enseignement superieur". As soon as they succeed, they are appointed professors, at a salary of 1,800 francs per month (or $360); plus significant indemnities if they agree to give more than three hours of lectures per week. They receive promotion more or less rapidly, according to the judgment of a council of their pairs. Their final salary may be as high as 6,000 francs per month ($1200).
Theoretically, their salary is the counter-part of three hours of teaching per week. As a matter of fact, most of them are conscientious enough to work very hard, whether a reward is attached or not to their work.

II. Specialised legal education

For the Bar.

A student who has obtained the LL.B. after good studies has received the basic education which he needs for the Bar. However, he is far from being entirely prepared for it. He still needs a double training.

First, he will not be admitted to the Bar if, besides his LL.B., he has not obtained a certificate of professional ability (certificate d'aptitude a la profession d'avocat) This certificate may be prepared during the fourth year of studies, by attending courses on the ethics and practice of the profession, on the practices of the procedure, and by practical exercises on preparation of briefs, oral arguments, etc. The ability of the student will be tested by an examination given by a judge, two avocate (roughly speaking: barristers), a avoue (roughly speaking: solicitor) and a professor of law, presiding the jury. The tests will include a written dissertation showing the general cultural and educational equipment of the candidate, oral examination, a test of ability to prepare a brief and develop an oral argument.

Secondly, when somebody has obtained the certificate and has been admitted to the Bar, he has not yet become a full barrister. During three years at least (five if he prefers) he will be only a junior barrister, nearly a barrister "on probation" (avocat stagiaire), working under the guidance of a senior one and compelled to follow the exercises which may be organized by the Bar for his training.

For the Civil Service

A number of intermediate positions in the civil service are open to holders of the LL.B., often after a special examination which may require, if any, some months of preparation.

For the positions leading to the higher functions, a special School has been created in 1945: l'Ecole Nationale d'Administration, (often called by its initials E.N.A.). No one may enter this School if he has not succeeded at a very difficult examination. The examination is not reserved to the holders of the LL.B., but most of the candidates who succeed have obtained it. On the other hand,
the average holder of the LL.B. is not equipped for success at the entry examination. As a matter of fact, it is almost necessary for him to have benefited from the preparation given in view of the examination by an Institute of Political Sciences—preferably the Institute of Paris. The candidate who succeeded immediately becomes a civil servant and receives a salary to complete his instruction during two years of courses and studies in various public services.

For the Bench

It has been suggested that the French are examination-addicts. The fact is that, subject to exceptions strictly limited, the judges are recruited by examination.

Traditionally, in order to qualify himself for the examination, a LL.B. holder had to work during a few years at the Bar and at the Public Prosecutor’s Office. However, if the office of judge carries with it a certain prestige, the salary of the judge at the beginning of his career was fairly modest. The LL.B. holder, therefore if he was interested in a judicial career, had to obtain the certificat d’aptitude a la profession d’avocat, to get a base without which he could not be admitted to the Bar, and to work a few years before taking an examination. But after their examination if he was successful he would receive a salary which, for a period of perhaps ten years, would hardly permit him to support his family. No wonder that the number of candidates was seriously declining.

The recruitment has been improved by the creation, in 1958, of a Centre National d’Etudes judiciaires, modelled after the Ecole Nationale d’Administration. The LL.B. holder who is interested in a judicial career has now to succeed at a special examination the level of which is fairly close to the LL.B. (plus a test of his general cultural and educational calibre). If he succeeds, he receives a salary and becomes a member of the Bench, even though he has, during three years, to follow courses and to “probation work” in courts.

The sad fact is that the creation of the Centre National d’Etudes Judiciaires has not sufficiently improved the recruitment of the Bench. In France, as in much of the so-called “developed countries”, the salaries of the people working directly for the community is significantly below the level of the people who work for themselves or for private enterprises. Furthermore, French judges are handicapped by the fact that justice is rendered, even in first instance, by
three-judges courts, thence an increased number of judges and a lowered prestige for them when compared with the judges in the common law world.

For Business

A great number of LL.B. holders have no idea of joining the Bar, the Bench, or the Civil Service. They only want to enter a business corporation, either in the legal department (or in the economic or statistics department, for the holders of a licence es sciences economiques) or even in its administration, with a view of gaining one day the management or even the Board of Directors. As a matter of fact, certainly a majority of the Directors and Officers of the great corporations hold at least a LL.B. (many of them hold also a diploma from an Institute of Political Sciences or from an Art and Literature School).

Obviously, the holder of a LL.B. or of a licence es sciences economiques is not equipped to give really useful advice to people who have a much greater experience of business. However, a number of special Schools or Institutes are functioning with the object of bridging this gap between theory and practice. The person who has received the education given by the Law School and one of the Schools or Institutes above mentioned may not yet be more of a businessman than the holder of the LL.B. and the Certificate d'aptitude a la profession d'avocat is ready for a difficult case. Both will need experience. But both will gain it with age.

The ambition of the French Law Schools is great. If they do not consider themselves as professional or technical schools, they do not remain satisfied at functioning at a mere theoretical level. In a changing world, they have done their utmost to prepare men to take responsibilities, men able after some years of experience, to master their duties so as to serve with more efficiency their national community and, as far as God permits them, the community of men.